

to the requirements of law, after trial in your courts, trial according to the common law of England, be the rule for exclusion from the right of franchise or holding office in the State of Maryland? That is where the constitution of West Virginia places it. Section four of the same article provides:

"4. No person, except citizens entitled to vote, shall be elected or appointed to any State, county, or municipal office. Judges must have attained the age of thirty-five years, the governor the age of thirty years, and the attorney general and senators the age of twenty-five years, at the beginning of their respective terms of service, and must have been citizens of the State for five years next preceding or at the time this constitution goes into operation."

"5. Every person elected or appointed to any office or trust, civil or military, shall, before proceeding to exercise the authority or discharge the duties of the same, make oath or affirmation that he will support the constitution of the United States and the constitution of this State; and every citizen of this State may, in time of war, insurrection, or public danger, be required by law to make the like oath or affirmation, upon pain of suspension of his right of voting and holding office under this constitution."

The oath is "to support the constitution of the United States and the constitution of this State," and there it stops. Why are you not content in this State to let it rest there? Is there any greater reason or higher necessity for forcing this thing at this time upon the people of Maryland, than existed in February 23, 1863, when these people at Wheeling made this constitution for West Virginia? It is a simple naked oath.

Now, let gentlemen turn to their journals, on pages 434, 435 and 427, and read this rigmorale of an oath which is to be spread for all future time, if at all, upon the pages of the constitution of this State? The amendment of the gentleman from Cecil (Mr. Scott) to which this pending proposition is an amendment, says:

"And that since the commencement of the civil war and rebellion, I have never in any manner, either directly or indirectly by word or deed, given aid or encouragement to those in rebellion against the United States, that I have never sympathized with them, nor desired their success."

So that a man is absolutely disqualified from ever depositing a vote in the ballot-box in the State of Maryland, whatever his qualifications in every other respect, who ever in an unguarded moment, even in the retirement and privacy of his own chamber, expressed or felt any sort of desire for the triumph of the south over the armies of the United States."

But I rose merely for the purpose of showing what had been the action of other States,

and even in similar circumstances to our own; and to ask the convention to give the subject calm reflection before they indorse the wild proposition of the gentleman from Cecil county, or the amendment of the gentleman from Baltimore.

Mr. RIDGELY. Will the gentleman from Charles allow me to ask him a question? Do you consider the provision adopted by this convention under the department of the elective franchise, which disqualifies as voters those who have been in armed rebellion against the United States, *ex post facto*?

Mr. EDELEN. I think it is, in its operation.

Mr. RIDGELY. Do you think the provisions which you have just read from the constitution of West Virginia, which disqualified a man who had been convicted of treason before the passage of that constitution, *ex post facto*?

Mr. EDELEN. I do not exactly understand the gentleman's question, but I will try to answer him.

Mr. RIDGELY. You have read to the house a provision from the constitution of West Virginia, that a person convicted of treason shall be disqualified from the right of suffrage. Of course, he must have been convicted of treason before the passage of that constitution. Do you consider that provision *ex post facto*?

Mr. EDELEN. I do not understand that that provision in the constitution of West Virginia, refers to convictions of treason which had taken place prior to the adoption of the constitution of West Virginia. I suppose it was intended to have a future and prospective operation.

Mr. RIDGELY. You will remember that it says "no person who has been convicted of treason," and of course that must be previous to the passage of the provision.

Mr. EDELEN. I have not given that point a careful consideration. I merely referred to it in connection with the provision relating to larceny, &c.

Mr. PURNELL moved that the convention adjourn.

The motion was not agreed to."

Mr. STIRLING. I had no intention of taking any part in this discussion until a few moments before I came into the house this evening. But after I had heard the whole of the argument of this morning, some of my friends on this side of the house expressed the idea that as I offered the proposition which has been the basis of all this argument, I ought to submit something to the house in its defence; and I therefore propose briefly to discuss the proposition now before the convention.

The debate has taken a very wide range. I am not only unable, from previous consideration and reflection, to make an elaborate speech, but I am unwilling even to enter upon any review of that debate. It seemed to me